

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

GARY M. BECK,

Plaintiff,

v.

Case No. 3:20-cv-78-J-32PDB

ELAVON, INC., etc., et al.,

Defendants.

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**ORDER**

This case is before the Court on plaintiff's Motion to Remand (Doc. 8), to which defendants have responded in opposition (Doc. 9). Plaintiff filed a reply (Doc. 13), and defendants filed a sur-reply (Doc. 14).

After reviewing the entire record provided by the parties, the Court, while not opining on the ultimate viability of a claim against Ian Drysdale, finds that defendants have not met their high burden to show that there is no possibility that plaintiff can prove a cause of action against the non-diverse defendant, Drysdale. See Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir. 1998); Tran v. Waste Mgmt., Inc., 290 F. Supp. 2d 1286, 1298-99 (M.D. Fla. 2003).

Accordingly, it is hereby

**ORDERED:**

1. Plaintiff's Motion to Remand (Doc. 8) is **granted**; plaintiff's request for fees and costs contained therein is denied.

2. The Clerk shall remand this case to the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida. Following remand, the Clerk shall close the file.

3. The Court admonishes counsel for both parties to avoid unnecessarily blaming each other for "misleading" the Court. While, of course, counsel should not mislead, neither should counsel resort so easily to the accusation that their counterpart is doing so. It is distracting.

**DONE AND ORDERED** in Jacksonville, Florida this 23rd day of April, 2020.



TIMOTHY J. CORRIGAN  
United States District Judge

s.  
Copies:

Counsel of record

Clerk of Court, Seventh Judicial Circuit Court,  
in and for St. Johns County, Florida